IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2006

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THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.NO.43578 OF 2006
AND
M.P.NO.1 OF 2006

M.Sampath .. Petitioner

Vs.

1.The Secretary to Government/
Commissioner,
Labour & Employment Department,
Secretariat,
Chennai-600 009.
2.The Commissioner of Labour,
Chennai-600 006.
3.The Labour Officer-II,
Vellore.
4.The Special Officer,
HH-525, Kuppam Primary
Agricultural Co-operative Bank,
Polur Taluk,
Tiruvannamalai District .. Respondents

This writ petition has been preferred under Article 226 of the Constitution of India praying for the issue of a writ of mandamus directing the first respondent to refer the case of the petitioner to the Labour Court under the Industrial Disputes Act to raise an industrial dispute against the order of dismissal dated 8.8.2002 of the fourth respondent.

For Petitioner : Mr.M.Sriram

For Respondents: Mr.D.Srinivasan, GA

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ORDER

This writ petition is for a direction against the first respondent to refer the case of the petitioner to the Labour Court under the Industrial Disputes Act against the dismissal of the petitioner made by the fourth respondent, dated 8.8.2002.

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2.It is seen that there was some dispute between the petitioner and the fourth respondent. The petitioner has raised a dispute before the third respondent, Labour Officer. The Labour Officer, after conducting enquiry, has sent the Failure Report to the Government on 17.9.2003 and in spite of that, the first respondent has not taken any steps for the purpose of referring the dispute to the Labour Court as per the provisions of the Industrial Disputes Act. In view of the same, the present writ petition is filed.

3.I have heard the learned counsel for the petitioner and Mr.D.Srinivasan, the learned Government Advocate, who takes notice on behalf of the respondents.

4.On the face of it, when the third respondent has sent the Failure Report on 17.09.2003 in respect of the dispute raised by the petitioner against the fourth respondent, it is the duty on the part of the first respondent to act as per the Industrial Disputes Act and refer the dispute to the Labour Court. In the present case, unfortunately, the first respondent has not referred the case to the Labour Court. In view of the same, as rightly pointed out by the learned counsel for the petitioner, I am inclined to give a direction to the first respondent to pass appropriate orders on the failure report issued by the third respondent on 17.09.2003, for which course of action, the learned Government Advocate has no objection. In view of the same, the first respondent is directed to pass appropriate orders based on the failure report given by the third respondent, dated 17.9.2003 in accordance with the Industrial Disputes Act, by making reference and such an order shall be passed within a period of eight weeks from the date of receipt of copy of this order. This writ petition is disposed of with the above direction. There shall be no order as to the costs. Consequently, connected MP is closed.

vvk

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Secretary to Government/
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Labour & Employment Department,
Secretariat,
Chennai-600 009.
2.The Commissioner of Labour,
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3.The Labour Officer-II,
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HH-525, Kuppam Primary
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+ one cc to Mr. M. Sriram, Advocate sr no. 57312
+ one cc to the Government Pleader sr no. 57417

sgl(co)
nm(07.12.2006)

W.P.NO.45378 OF 2006

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